



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,778	01/17/2001	Jean-Yves Sireau	23677/15:1	7436
3528	7590	04/10/2006	EXAMINER	
STOEL RIVES LLP 900 SW FIFTH AVENUE SUITE 2600 PORTLAND, OR 97204-1268			PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,778

Applicant(s)

SIREAU, JEAN-YVES

Examiner

JAGDISH PATEL

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-22,24-37 and 50-98 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 62-98 is/are allowed.
- 6) ☒ Claim(s) 19-22,24-37 and 50-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/23/05;1/17/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to amendment filed 1/12/06.

Response to Amendment

2. Claims 19-22 have been amended and new claims 50-98 have been added.

Response to Arguments

3. Applicant's arguments with respect to claims restriction regarding restriction and election of species have been fully considered and found persuasive. Accordingly, the restriction of species has been withdrawn and all pending claims 19-22, 24-37 and 50-98 have been examined.

Claim Rejections - 35 USC § 112

4. Claims 19-22, 24-37, and 50-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19-22, 24-37, 50, 51 and 52-60 are rejected under **35 U.S.C. 112**, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See **MPEP § 2172.01**. The omitted steps are:

Connectivity of the user terminal to the central processing machine and the source of the data concerning the financial market to the processing machine.

Claim 21 recites "deducting payment from the user for placing the bet." However, there is there is no reference in claim 19 referring to a method step which recite the user

Art Unit: 3624

is placing the bet. Furthermore no method step(s) involving user account is provided to facilitate deducting payment from the user. The limitation "deducting payment from the user" is vague and unclear.

Claim 22 recites limitations "varying an account of the user" and "financial market satisfying the parameters of the bet". These limitations render the claim indefinite because the claim fails to specify a specific property of the account (such as credit amount, expiration date etc.). Like wise the claim fails to specify a specific property of the financial market (certain parameters of the financial market such as index prices, volumes etc.)

Claim 27: there is no relationship of the process of checking the parameters input by the user for logical inconsistencies. The role of this step in the claim as a whole is unclear because the outcome of the checking has no effect on the calculation of the fixed odds.

Claims 28, 29, 32 also contain deficiency similar to that of claim 27.

Claim 36, 37, 50 and 51 recites limitation "the data obtained from the data feed". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

5. Claims 36, 50 and 51 are rejected as computer programs per se, i.e., the descriptions or expressions of the programs. Such programs are not physical "things," nor are they statutory processes, as they are not "acts" being performed. The computer programs do not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program (claim 37) defines structural and functional interrelationships between the computer program and the medium which permit the computer program's functionality to be realized, and is thus statutory. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions.

Allowable Subject Matter

6. Claims 62-98 are allowed.

Conclusion

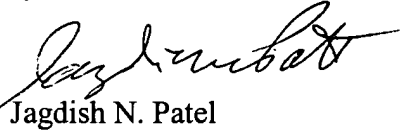
Art Unit: 3624

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

4/3/06